

HONORABLE FRANKLIN D. BURGESS

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.)
)
RUBEN BAEZ-MANCILLA,)
)
Defendant.)

CASE NO. CR05-5410FDB

ORDER FOR CONTINUANCE
OF TRIAL DATE

Before this court is a stipulated motion for continuance of the trial date currently set for February 27, 2006. The Court finds that after consideration of all relevant information and the facts and circumstances of this case, that, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv), failure to grant a continuance in this case, which, taken as a whole, is not so unusual or so complex as to fall within the clause (ii), would deny counsel for the defendant the reasonable time necessary for effective preparation, due to the fact that defense counsel has

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1 recently been appointed in this case and needs time to review the evidence, to consider possible
2 defenses, and to discuss possible resolution of the case with the government, taking into account
3 the exercise of due diligence;

4 This Court finds, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(I), that
5 failure to grant such a continuance in the proceeding would be likely to make a continuation of
6 such proceeding impossible, or result in a miscarriage of justice.

7 This court finds, therefore, that pursuant to Title 18, United States Code, Section
8 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that they outweigh the
9 best interests of the public and the defendant in a speedy trial.

10 Failure to grant a continuance under these circumstances would result in a miscarriage of
11 justice. The ends of justice would best be served by granting the motion for continuance. For
12 these reasons, the Court finds that the stipulated motion for continuance should be granted. The
13 previously scheduled trial date is hereby VACATED.

14 Now, therefore, it is hereby ordered that the trial date is continued to May 22, 2006 at
15 9:00 a.m., with a pretrial conference on May 11, 2006 at 3:00 p.m. The pretrial motions due date
16 is extended to March 21, 2006.

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1 The period of delay resulting from this continuance from February 27, 2006, up to and including
2 the new trial date of May 22, 2006 is excluded in computing the time within which a trial must be
3 held pursuant to Title 18, United States Code, Section 3161, et. seq.

4 IT IS SO ORDERED

5 DONE this 1st day of March, 2006.

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10 FRANKLIN D. BURGESS
11 UNITED STATES DISTRICT JUDGE
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13 By: /s/ Steven J. Krupa
14 Steven J. Krupa. WSB 23997
15 Attorney for Defendant

16 Approved Telephonically:
17 02/ 21 /2006

18 U.S. Attorney's Office

19 By: _____
20 Matthew H. Thomas. WSB 20075
21 Assistant United States Attorney
22

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